

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

“BARBARA;” “SARAH,” by guardian, parent, and next friend “SUSAN;” and “MATTHEW,” by guardian, parent, and next friend “MARK;” on behalf of themselves and all those similarly situated,

Case No. 1:25-cv-244

Plaintiffs,

v.

DONALD J. TRUMP, President of the United States, in his official capacity, et al.,

Defendants.

**DECLARATION OF CAROL GARVAN IN SUPPORT OF
PLAINTIFFS’ MOTION FOR CLASS CERTIFICATION**

I, Carol Garvan, declare as follows:

1. I am the Legal Director at the American Civil Liberties Union of Maine (“ACLU of Maine”), and am counsel for Plaintiffs in the above-captioned matter. I make this declaration to describe my qualifications and those of my colleague to serve as counsel for the Proposed Class in this case. The following facts are based on my own personal knowledge and, if called as a witness, I could and would testify competently thereto.

2. The attorneys at the ACLU of Maine described herein, including myself, have represented plaintiffs in multiple federal immigration-related cases. *See Drewniak v. U.S. Customs and Border Protection*, No. 1:20-CV-852-LM (D.N.H. filed August 11, 2020); *American Civil Liberties Union of Maine v. U.S. Citizenship and Immigration Services*, No. 2:20-CV-00422-JAW (D. Me. filed November 12, 2020); *Immigration Legal Advocacy Project et al. v. U.S. Immigration and Customs Enforcement*, No. 2:21-CV-00066-JAW (D. Me. filed March 3, 2021).

Carol Garvan

3. I have worked at the ACLU of Maine since 2022. I graduated from UC Berkeley School of Law in 2007. Following law school, I clerked for the Honorable Judge Kermit V. Lipez of the First Circuit Court of Appeals and the Honorable Justice Mark B. Simons of the California Court of Appeal. I am admitted to practice in Maine and New Hampshire. I am admitted to the bars of the State of Maine (2009); the Court of Appeals for the First Circuit (2012); the State of New Hampshire (2014); and the Court of Appeals for the Second Circuit (2021). Before joining the ACLU of Maine, I worked at Johnson & Webbert, LLP, where I spent over a decade litigating civil rights and employment cases in Maine.

4. I specialize in civil rights and addressing systemic constitutional violations through complex litigation. My cases in this area include: *Robbins v. Maine Com'n on Indigent Legal Services*, No. KENSC-CV-22-54, 2022 WL 17348139 (Me. Super. Ct. June 2, 2022) (representing statewide class of indigent criminal defendants challenging state's systemic denial of counsel under Sixth Amendment); *Sparks v. Mills*, 626 F.Supp.3d 131 (D. Me. 2022) (representing class of incarcerated individuals on due process claims, resulting in court approval of classwide settlement); *O'Connor v. Oakhurst*, 851 F.3d 69 (1st Cir. 2017) (representing class of delivery drivers on wage theft claims, resulting in First Circuit decision interpreting Maine wage law exemption in workers' favor as matter of first impression); *Scamman v. Shaw's Supermarkets*, 2017 ME 41 (representing class of older workers alleging systemic disparate impact age discrimination claims, resulting in state supreme court decision broadly interpreting Maine disparate impact age discrimination law in workers' favor as matter of first impression).

5. All of the cases described above are complex class actions. I am or was class counsel in *Maine Com'n on Indigent Legal Services*, *Sparks v. Mills*, *O'Connor v. Oakhurst*, and *Scamman v. Shaw's Supermarkets*.

6. I have given CLE presentations to lawyers concerning constitutional law and civil rights; presented at the Maine State Bar Association Annual Employment Law Update; guest lectured on implicit bias and the law at Maine Law School; presented for the national AARP legal conference; and presented at the bi-annual Federal District Court Conference. I also speak to nonlegal audiences regarding their constitutional rights.

Zachary Heiden

7. Zachary Heiden has worked at the ACLU of Maine since 2004. He graduated from Boston College Law School in 2002 and subsequently clerked for the Honorable Susan W. Calkins of the Maine Supreme Judicial Court. He is admitted to practice in Maine, and is admitted to the bars of Commonwealth of Massachusetts (2002, retired); the State of Maine (2003); the U.S. District Court, the District of Maine (2004); the U.S. Court of Appeals for the First Circuit (2005); and the U.S. Supreme Court (2006).

8. Mr. Heiden specializes in civil rights litigation. Some of his cases in this area include *Robbins v. Maine Com'n on Indigent Legal Services*, No. KENSC-CV-22-54, 2022 WL 17348139 (Me. Super. Ct. June 2, 2022) (representing statewide class of indigent criminal defendants challenging state's systemic denial of counsel under Sixth Amendment); *Sparks v. Mills*, 626 F.Supp.3d 131 (D. Me. 2022) (representing class of incarcerated individuals on due process claims, resulting in court approval of classwide settlement); *Smith v. Aroostook County*, 376 F.Supp.3d 146 (D. Me. 2019) (representing a soon-to-be-incarcerated individual who used Medication-Assisted Treatment ("MAT"), resulting in a federal appeals court decision ordering the Aroostook County Jail to provide access to MAT).

9. Mr. Heiden is currently serving or has served as a member of the Advisory Committee on the Maine Rules of Appellate Procedure, the Maine Judicial Branch Indigent Legal

Services Commission, the Judicial Branch Taskforce on Electronic Court Records Access, the Judicial Branch Advisory Committee on Fees, and on the Executive Committee of Mainers United for Marriage, the statewide campaign to win marriage equality. He also serves as an adjunct professor at the University of Maine School of Law, where he teaches constitutional law.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Carol Garvan

Carol Garvan

Executed on March 14, 2025.